

REMARKS

The Official Action August 11, 2008, has been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks. The claims have been amended to be directed to the elected invention. For convenience and accuracy in entering the amendment, Claims 21-32 have been canceled in their entirety and rewritten as new Claims 33-45.

Claims 33-45 are pending in the application.

1. Restriction Requirement

Under 35 U.S.C. 121 and 372, the Examiner previously required restriction between Group I and Group II.

Applicants affirm their election under 35 U.S.C. 121 and 372 of Group I drawn to a compound of the Formula I, where X is pyridyl and Y is aryl, and pharmaceutical compositions thereof.

In the interest of compact prosecution, Applicants affirm their election of Group I and have amended the claims to be directed to a generic expression of the elected invention. This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

2. Allowable Subject Matter

Applicants gratefully acknowledge that the prior art does not teach or make obvious the claimed subject matter. Applicants also gratefully acknowledge that Claim 21 stands objected to as containing nonelected subject matter and would appear allowable, and that Claims 22-32 would also appear allowable if similarly limited to the elected invention.

Because the claims have been amended to be directed to the elected invention, Applicants respectfully submit that such claims should be allowable.

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Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By /J. Eric Thies, Reg.# 35382/

J. Eric Thies

Reg. No. 35,382

Attorney for Applicant

MERCK & CO., Inc.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-3904

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